IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WA.No. 278 of 2007()

AGAINST THE JUDGEMENT IN WPC.27251/2006 Dated 30/11/2006
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APPELLANT: 2nd RESPONDENT

THE MANAGING DIRECTOR,
MALABAR REGIONAL CO-OPERATIVE MILK
PRODUCER'S UNION LTD., PERINGALAM,
KOZHIKODE-673 571.

BY ADV. SRI.B.S.KRISHNAN (SR.)
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

RESPONDENTS: PETITIONER & RESPONDENTS 1 & 3
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1. DAMODARAN. V.V., S/O.T.V.KARYAMBU,
AGED 57, MANAGESR, MALABAR REGIONAL
CO-OPERATIVE MILK PRODUCER'S UNION LTD.,
KANNUR DAIRY, PALLIMUKKU P.O.,
KANNUR DISTRICT.
2. THE SECRETARY TO THE GOVERNMENT OF
KERALA, DEPARTMENT OF AGRICULTURE (DAIRY),
SECRETARIAT, TRIVANDRUM.
3. VIJAYAKUMARAN K.M.,
ASSISTANT MANAGER (MATERIALS),
MALABAR REGIONAL CO-OPERATIVE MILK
PRODUCER'S UNION LTD., PERINGALAM, KOZHIKODE.

R1 BY ADVOCATE SRI T.B.THANKAPPAN
R2 & R3 BY GOVT. PLEADER SRI T.B.HOOD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN, Ag. C.J. & M.N. KRISHNAN, J.

Writ Appeal No 278 of 2007

Dated: 12th February 2007

JUDGMENT

Radhakrishnan, Ag. C.J.

Heard counsel on both sides. First respondent, who is a senior Officer has been transferred from Kannur to Kozhikode due to administrative exigencies. Learned single judge directed the first respondent to join duty at Calicut on or before 5.12.2006 and work there for a period of two months and then go back to Kannur. This court is not justified in giving such a direction. The direction given by the learned single judge is therefore set aside and the appeal is allowed and it is for the transferring authority to decide where an officer has to be posted and how long.

Sd/-

K.S. RADHAKRISHNAN
Ag. Chief Justice

Sd/-
M.N. KRISHNAN
Judge

12/02/2007
en/ [true copy]